

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA KAMMEYER, et al. : CASE NO.: C-1-01-649
Plaintiffs, : Judge Spiegel
vs. : Magistrate Hogan
CITY OF SHARONVILLE, OHIO, et al. : AFFIDAVIT OF BRIAN
Defendants. : E. HURLEY

Brian E. Hurley, having been duly sworn and based upon his personal knowledge, states:

1. I am co-counsel for William Nuss, a defendant in the above-captioned case.
2. I drafted the Motion To Compel And For Sanctions (Motion) to which this affidavit is attached. The facts set forth in Section I of the Motion are, to the best of my belief, accurate.
3. The exhibits attached to the Motion are true and accurate copies of the original documents and letters.
4. My co-counsel, Robert Gehring, and I have attempted to resolve the discovery disputes that are the subject of the Motion, but have not been successful in doing so. Our client's deposition, the discovery cut-off of July 1, 2004, and the November trial date require the immediate resolution of this dispute.



Brian E. Hurley

STATE OF OHIO)
COUNTY OF HAMILTON) ss:



WILLIAM CHRISTOPHER HICKS, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03

Sworn to before me this 12th day of March, 2004.


Notary Public

My commission expires No Expiration Date, 2004.